

109TH CONGRESS
2D SESSION

S. 2444

To amend the National Dam Safety Program Act to establish a program to provide grant assistance to States for the rehabilitation and repair of deficient dams.

IN THE SENATE OF THE UNITED STATES

MARCH 16 (legislative day, MARCH 15), 2006

Mr. AKAKA (for himself and Mr. INOUE) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend the National Dam Safety Program Act to establish a program to provide grant assistance to States for the rehabilitation and repair of deficient dams.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Dam Rehabilitation
5 and Repair Act of 2006”.

6 **SEC. 2. REHABILITATION AND REPAIR OF DEFICIENT**
7 **DAMS.**

8 (a) DEFINITIONS.—Section 2 of the National Dam
9 Safety Program Act (33 U.S.C. 467) is amended—

1 (1) by redesignating paragraphs (3), (4), (5),
 2 (6), (7), (8), (9), (10), (11), (12), and (13) as para-
 3 graphs (4), (5), (6), (7), (8), (9), (10), (12), (13),
 4 (14), and (15), respectively;

5 (2) by inserting after paragraph (2) the fol-
 6 lowing:

7 “(3) DEFICIENT DAM.—The term ‘deficient
 8 dam’ means a dam that, as determined by the State
 9 within the boundaries of which the dam is located—

10 “(A) fails to meet minimum dam safety
 11 standards of the State; and

12 “(B) poses an unacceptable risk to the
 13 public.”; and

14 (3) by inserting after paragraph (10) (as redes-
 15 ignated by paragraph (1)) the following:

16 “(11) REHABILITATION.—The term ‘rehabilita-
 17 tion’ means the repair, replacement, reconstruction,
 18 or removal of a dam to meet applicable State dam
 19 safety and security standards.”.

20 (b) PROGRAM FOR REHABILITATION AND REPAIR OF
 21 DEFICIENT DAMS.—The National Dam Safety Program
 22 Act is amended by inserting after section 8 (33 U.S.C.
 23 467f) the following:

1 **“SEC. 8A. REHABILITATION AND REPAIR OF DEFICIENT**
2 **DAMS.**

3 “(a) ESTABLISHMENT OF PROGRAM.—The Director
4 shall establish, within FEMA, a program to provide grants
5 to States for use in rehabilitation of publicly-owned defi-
6 cient dams.

7 “(b) GRANTS.—

8 “(1) IN GENERAL.—In carrying out the pro-
9 gram established under subsection (a), the Direc-
10 tor—

11 “(A) may provide grants to States for the
12 rehabilitation of deficient dams; and

13 “(B) shall enter into a project grant agree-
14 ment with each State that receives a grant to
15 establish the terms of the grant and the project,
16 including the amount of the grant.

17 “(2) APPLICATION.—To receive a grant under
18 this section, a State shall submit to the Director an
19 application at such time, in such manner, and con-
20 taining such information as the Director may re-
21 quire, by regulation.

22 “(c) PRIORITY SYSTEM.—The Director, in consulta-
23 tion with the Board, shall develop a risk-based priority
24 system for use in identifying deficient dams for which
25 grants may be provided under this section.

1 “(d) ALLOCATION OF FUNDS.—During a fiscal year,
 2 of amounts appropriated pursuant to subsection (f)(1) for
 3 that fiscal year—

4 “(1) $\frac{1}{3}$ shall be distributed equally among the
 5 States that receive grants under this section; and

6 “(2) $\frac{2}{3}$ shall be distributed among the States
 7 described in paragraph (1) based on the ratio that—

8 “(A) the number of non-Federal publicly-
 9 owned dams located within the boundaries of a
 10 State that the Secretary of the Army identifies
 11 in the national inventory of dams maintained
 12 under section 6 as constituting a danger to
 13 human health; bears to

14 “(B) the number of non-Federal publicly-
 15 owned dams so identified located within the
 16 boundaries of all States that receive grants
 17 under this section.

18 “(e) COST SHARING.—The Federal share of the cost
 19 of rehabilitation of a deficient dam for which a grant is
 20 made under this section shall be not more than 65 percent.

21 “(f) AUTHORIZATION OF APPROPRIATIONS.—

22 “(1) IN GENERAL.—There are authorized to be
 23 appropriated to carry out this section, to remain
 24 available until expended—

25 “(A) \$50,000,000 for fiscal year 2007; and

1 “(B) \$100,000,000 for each of fiscal years
2 2008 through 2010.

3 “(2) STAFF.—There is authorized to be appro-
4 priated to provide for the employment of such addi-
5 tional staff of FEMA as the Director determines to
6 be necessary to carry out this section \$400,000 for
7 each of fiscal years 2007 through 2009, to remain
8 available until expended.”.

9 **SEC. 3. RULEMAKING.**

10 (a) PROPOSED RULEMAKING.—Not later than 90
11 days after the date of enactment of this Act, the Under
12 Secretary for Emergency Preparedness and Response, act-
13 ing through the Director of the Federal Emergency Man-
14 agement Agency, shall issue a notice of proposed rule-
15 making regarding the amendments made by section 2 to
16 the National Dam Safety Program Act (33 U.S.C. 467
17 et seq.).

18 (b) FINAL RULE.—Not later than 120 days after the
19 date of enactment of this Act, the Under Secretary for
20 Emergency Preparedness and Response, acting through
21 the Director of the Federal Emergency Management
22 Agency, shall promulgate a final rule regarding the
23 amendments described in subsection (a).

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